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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) RECOP017									
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on <u>April 24, 2006</u></p> <p>Signature <u>[Signature]</u></p> <p>Typed or printed name <u>Veronica Pula</u></p>		Application Number 09/654,347	Filed August 30, 2000								
		First Named Inventor Douglas B. Moran									
		Art Unit 2136	Examiner Ronald Baum								
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table border="0"><tr><td><input type="checkbox"/> applicant/inventor.</td><td><u>[Signature]</u> Signature Clover Huang</td></tr><tr><td><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td><td>Typed or printed name Clover Huang</td></tr><tr><td><input checked="" type="checkbox"/> attorney or agent of record. 55,285 Registration number _____</td><td>408-973-2594 Telephone number</td></tr><tr><td><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</td><td>4-24-2006 Date</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>				<input type="checkbox"/> applicant/inventor.	<u>[Signature]</u> Signature Clover Huang	<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	Typed or printed name Clover Huang	<input checked="" type="checkbox"/> attorney or agent of record. 55,285 Registration number _____	408-973-2594 Telephone number	<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	4-24-2006 Date
<input type="checkbox"/> applicant/inventor.	<u>[Signature]</u> Signature Clover Huang										
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<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	4-24-2006 Date										

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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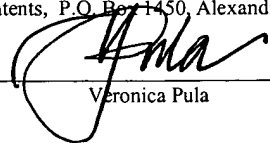
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	Douglas B. Moran	Examiner:	Ronald Baum
Application No.:	09/654,347	Art Unit:	2136
Filed:	August 30, 2000	Docket No.:	RECOP017
Title:	SYSTEM AND METHOD FOR USING TIMESTAMPS TO DETECT ATTACKS		

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in a prepaid envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

April 24, 2006

  
Veronica Pula

**REMARKS IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action mailed January 24, 2006. The following remarks are respectfully submitted in support of Applicants' pre-appeal brief request for review filed herewith.

Claims 1-12, 16, and 17 are pending. Claims 1, 16, and 17 are independent. Claims 2-12 depend from claim 1. The Examiner has rejected claims 1-12, 16, and 17 under 35 U.S.C. 103(a) as being unpatentable over Porras in view of Beardsley. Applicants respectfully submit that the cited references do not establish a prima facie case of obviousness, such that the Examiner clearly erred in rejecting the claims as obvious.

Neither Porras nor Beardsley, either singly or in combination, describes an analysis engine configured to "identify a backward time step" in a logfile, "determine that the backward time step is associated with an event," and "assign a suspicion value to the event based at least in part on the backward time step," as recited in claim 1.

Porras teaches consolidating alerts that are indicative of a common incident. The January 24, 2006 Office Action, at page 7-8, acknowledges that Porras does not disclose “identify a backward time step in the logfile by identifying a first entry for which an associated first log entry time is earlier in time than a second log entry time associated with a second log entry entered in the logfile prior to the first entry” and asserts that Beardsley teaches “using time stamps to correlate data processing event times in connected data processing units” and that “the Beardsley et al invention also clearly encompasses the logging of detected intrusions on a host system,” and that “it would have been obvious... to have been motivated to combine the Porras et al system... with the Beardsley et al teachings.”

Beardsley describes a way to determine an event time on a host clock when the event is logged on a peripheral system clock. In Beardsley, the event has already been detected. A time difference between a host and a peripheral system is used to convert the peripheral time to a host time, i.e., when host times are not synchronized, the difference between the host time stamp and the peripheral time stamp is added to the peripheral time stamp to determine the event time on the host clock. Beardsley, column 2, line 47 to column 3, line 4. By contrast, claim 1 recites identifying a backward time step, determining that the backward time step is associated with an event, and assigning a suspicion value to the event. The backward time step is identified and is determined to be associated with an event. For example, the backward time step may reflect an attempt by an intruder to camouflage an unauthorized action taken by the intruder by altering the system clock, as described in the application at page 83, line 13 to page 85, line 13. Beardsley only describes a difference in time between a host and a peripheral system, e.g., due to a lack of clock synchronization between the host and the peripheral system, and not a backward time step in a logfile as recited in claim 1. The difference in time described by Beardsley is not associated with an event, and is merely used to convert the peripheral time to a host time.

Neither Porras nor Beardsley describes a backward time step as recited in claim 1. Therefore, the obviousness rejection of claim 1 is not prima facie. As such, claim 1 is believed to be allowable.

Claims 2-12 depend from claim 1 and are believed to be allowable for the same reasons described above.

Claim 16 recites a method executed by the system of claim 1. Therefore, it is believed that claim 16 is also allowable.

Claim 17 recites program code for carrying out the method of claim 16. Therefore, it is believed that claim 17 is also allowable.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks.

Respectfully submitted,

Dated: 4-24-2006

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